

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RONALD LEE EGGER,	)	
	)	
Petitioner,	)	4:04cv3314
	)	
vs.	)	MEMORANDUM AND ORDER
	)	(appeal)
FRED BRITTEN,	)	
	)	
Respondent.	)	

This matter is before the court on filing no. 28, the inmate trust account information for the petitioner, Ronald Lee Egger, a prisoner. The petitioner qualifies to proceed in forma pauperis on appeal. Therefore, notwithstanding anything to the contrary in filing no. 25, the petitioner shall have no obligation for the appellate filing fee in this appeal.

THEREFORE, IT IS ORDERED:

1. That filing no. 22, the petitioner's Motion for Leave to Proceed in Forma Pauperis ("IFP") on appeal and Motion for a Certificate of Appealability, is granted in part and denied in part, as follows:

- a. Leave to proceed IFP on appeal is granted,
- b. A Certificate of Appealability is denied;

2. That filing no. 23, the petitioner's Motion for Appointment of Counsel on appeal, is denied, without prejudice to reassertion of a similar motion directly to the Eighth Circuit Court of Appeals;

3. That filing no. 24, the petitioner's Motion for Release on Bail pending appeal, is denied; and

4. That the Clerk of Court shall process this appeal to the Eighth Circuit Court of Appeals.

DATED this 20th day of June, 2005.

BY THE COURT:

s/ Joseph F. Bataillon

Joseph F. Bataillon  
Chief District Judge